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HOUSE BILL 96

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

James Roger Madalena

AN ACT

RELATING TO HIGHER EDUCATION; ENACTING THE TRIBAL COLLEGE
SCHOLARSHIP ACT; PROVIDING FOR SCHOLARSHIPS TO NEW MEXICO
TRIBAL COLLEGES FOR NATIVE AMERICANS WHO ARE NEW MEXICO
RESIDENTS; DETERMINING ELIGIBILITY; PROVIDING LIMITATIONS;
CREATING A FUND; PRESCRIBING A PENALTY; MAKING AN
APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the
"Tribal College Scholarship Act".

Section 2. PURPOSE.--The purpose of the Tribal College
Scholarship Act is to encourage students with financial need to
attend and complete educational programs at tribal colleges
located in New Mexico.

Section 3. DEFINITIONS.--As used in the Tribal College

1 Scholarship Act:

2 A. "department" means the higher education
3 department;

4 B. "satisfactory academic progress" means a grade
5 point average of 2.5 or higher on a 4.0 scale;

6 C. "student" means a New Mexico resident who is:

7 (1) a member of a federally recognized tribe
8 located in New Mexico; and

9 (2) enrolled or will be enrolled at a tribal
10 college; and

11 D. "tribal college" means a tribally, federally or
12 congressionally chartered post-secondary educational
13 institution located in New Mexico that is accredited by the
14 north central association of colleges and schools.

15 Section 4. CONDITIONS FOR ELIGIBILITY.--

16 A. A tribal college scholarship may be awarded to a
17 student who:

18 (1) graduated from a New Mexico high school or
19 was a New Mexico resident when the student received a general
20 education development certificate;

21 (2) has not earned an associate or higher
22 degree prior to applying for a tribal college scholarship;

23 (3) is enrolled or will be enrolled at a
24 tribal college in a program leading to a degree or certificate;

25 (4) has demonstrated financial need consistent

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1 with the criteria promulgated by the department;

2 (5) makes satisfactory academic progress after
3 receiving a tribal college scholarship; and

4 (6) complies with rules promulgated by the
5 department to carry out the provisions of the Tribal College
6 Scholarship Act.

7 B. A student is eligible to receive a tribal
8 college scholarship regardless of date of graduation from a New
9 Mexico high school or receipt of a general educational
10 development certificate.

11 Section 5. SCHOLARSHIP AUTHORIZED--AMOUNT--
12 ADMINISTRATION--REFUND.--

13 A. The department shall administer the Tribal
14 College Scholarship Act and may promulgate rules to carry out
15 the provisions of that act.

16 B. Tribal college scholarships shall be awarded to
17 applicants who meet the eligibility requirements. The amount
18 of a scholarship shall not exceed the amount of resident
19 tuition charged by the university of New Mexico for the same
20 number of credit hours.

21 C. The department shall determine the amount of
22 each scholarship based on the:

23 (1) number of eligible applicants;

24 (2) financial need of each applicant;

25 (3) other financial aid available to the

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1 student; and

2 (4) money available for tribal college
3 scholarships.

4 D. A scholarship award shall be placed in an
5 account at the tribal college in the name of the student, and
6 money may be drawn from the account to pay for tuition, fees,
7 books and course supplies. Student accounts and academic
8 records of students are subject to audit by the department or
9 the state auditor, and each student and tribal college shall
10 agree to such audits prior to receiving a tribal college
11 scholarship.

12 E. If a student withdraws, any money in the
13 student's account shall be refunded to the tribal college
14 scholarship fund. If a student withdraws and is entitled to a
15 refund for any tuition as determined by each tribal college's
16 refund policy, the student shall pay to the department, as a
17 refund of the tribal college scholarship, the amount of any
18 refund to which the student is entitled from the tribal
19 college, not to exceed the amount of the tribal college
20 scholarship awarded to that student. The refund shall be
21 deposited in the tribal college scholarship fund.

22 Section 6. DURATION OF SCHOLARSHIP--TERMINATION.--

23 A. Each tribal college scholarship is for a period
24 of one semester. Once received, a scholarship may be renewed,
25 provided that the student continues to meet the conditions of

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1 eligibility for eight semesters or until the student graduates
2 from the tribal college, whichever comes first. Tribal college
3 scholarships may be awarded in nonconsecutive semesters and for
4 summer sessions.

5 B. A tribal college scholarship is terminated upon
6 occurrence of one or more of the following:

7 (1) withdrawal of the student from the tribal
8 college;

9 (2) failure of the student to achieve
10 satisfactory academic progress; and

11 (3) substantial noncompliance by the student
12 with the Tribal College Scholarship Act or rules promulgated in
13 accordance with that act.

14 Section 7. FUND CREATED--ADMINISTRATION--TRANSFERS FROM
15 GENERAL FUND.--

16 A. The "tribal college scholarship fund" is created
17 in the state treasury, consisting of an amount from the general
18 fund equal to five percent of revenue derived from revenue-
19 sharing agreements with Indian tribes pursuant to Indian gaming
20 compacts; gifts, grants and donations to the fund; refunds to
21 the fund; and income from investment of the fund. Money in the
22 fund shall not revert at the end of a fiscal year. The fund
23 shall be administered by the higher education department, and
24 money in the fund is appropriated to the department to provide
25 tribal college scholarships to eligible students. No more than

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1 five percent of the fund may be used for administration of the
2 fund, including annual and special audits of student accounts.
3 Money from the fund shall be disbursed by warrant of the
4 secretary of finance and administration pursuant to vouchers
5 signed by the secretary of higher education or the secretary's
6 authorized representative.

7 B. Annually by August 1, the secretary of finance and
8 administration shall determine the revenue received from
9 revenue-sharing agreements with Indian tribes pursuant to
10 Indian gaming compacts during the previous fiscal year and
11 shall transfer from the general fund an amount equal to five
12 percent of that revenue to the tribal college scholarship fund.

13 Section 8. PENALTY.--A person who knowingly submits false
14 information to the department or its agents, which information
15 the department has requested and relied on to administer the
16 provisions of the Tribal College Scholarship Act, is guilty of
17 a misdemeanor and may be punished by a fine of not more than
18 one thousand dollars (\$1,000). In addition, the person shall
19 pay restitution for any money erroneously paid from the tribal
20 college scholarship fund, which restitution shall be deposited
21 in the fund.